

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MALCOM J. PITT,

Plaintiff,

-against-

SALVATORE LIBRIZZI, et al.,

Defendants.

**ORDER**

23-CV-02842 (PMH)

Counsel for Defendants and Plaintiff *pro se* appeared by telephone yesterday for a conference in connection with Defendants' request for a conference to discuss Plaintiff's continued failure to timely respond to discovery in this matter and the Court's Order to Show Cause why this action should not be dismissed for failure to prosecute under Rule 41(b).

The Court reminded Plaintiff of the consequences of his continued failure to retrieve his legal mail. Plaintiff maintained that he has not refused his mail. Plaintiff also confirmed that he received the document demands and interrogatories served by Defendants. The Court *sua sponte* extended the deadline for Plaintiff to serve on Defendants his responses to the discovery demands from February 20, 2024<sup>1</sup> to May 15, 2024 and warned that, in light of the circumstances and history in this case, no further opportunities to comply with the discovery demands and the Court's orders would be afforded to him.

The Court directed Defendants to file and serve an affidavit bringing current all attempts to serve Plaintiff, and annexing proof of service as well as copies of the returned envelopes by May 15, 2024; and Plaintiff's response to Defendant's affidavit shall be served and filed by May 29, 2024.

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<sup>1</sup> The Court previously twice extended Plaintiff's time to respond to these discovery demands which were originally due by January 5, 2024 (Doc. 70; Doc. 72).

The Clerk of Court is respectfully requested to mail a copy of this Order to Plaintiff.

Dated: White Plains, New York  
May 2, 2024

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', is written over a horizontal line.

Philip M. Halpern  
United States District Judge